IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 1182 of 1996

Between:

1 Shaik Mastan Saheb S/o.Khasim Saheb,
Teacher, R/o.Darsi, Prakasam District.
2 Ambati Subba Reddy S/o.Atchi Reddy,
Teacher, R/o.Darsi, Prakasam District.
3 Karna Venkata Ramanama W/o.Siva Rami Reddy,
R/o.Darsi, Prakasam District.
4 K.Naga Mani W/o.Sambi Reddy,
R/o.Darsi, Prakasam District.
5 Vaka Venkata Ramanamma W/o.Govinda Reddy,
R/o.Darsi, Prakasam District.
6 Vudumala Jalamma W/o.Krishna Reddy,
R/o.Darsi ,Darsi Mandal, Prakasam District.

..... PETITIONERS

AND

1 The District Collector, Prakasam District, Ongole.
2 The Mandal Revenue Officer, Darsi, Prakasam District.
3 The Andhra Pradesh State Road Transport Corporation,
rep. by its Managing Director, Hyderabad.
4 The Divisional Manager, A.P.S.R.T.C., Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or order or direction declaring: (a) that the proceedings of first respondent dated 29th October, 1995 in B3/690/94 and the consequential Memo of second respondent dated 12th January, 1996 in Rc.A/186/94 is arbitrary, illegal, and unjust, (b) that the action of respondents in appropriating the
Ac.0-83 cents of land belonging to petitioners without providing for compensation and without giving Ac.0-17 cents of land in Survey Nos.312 and 313 to petitioners, as per undertaking and Agreement, as arbitrary, illegal, and unjust and issue a consequential direction directing the respondents to forthwith effect the due transfer

of Ac.0-17 cents of land in favour of petitioners as per original undertaking under which Ac.0-83 cents of land of petitioners was taken, free of cost, for the purpose of construction of Bus Station.

Counsel for Petitioners: MR. S.SATYANARAYANA PRASAD

Counsel for Respondents 1 and 2: GOVERNMENT PLEADER FOR REVENUE

Counsel for Respondents 3 and 4: None appeared.

The Court made the following ORDER:

This writ petition is filed questioning the proceedings dated 29-10-1995 in Rc.B3/690/94 passed by the first respondent-Collector and District Magistrate, Prakasam District, Ongole and consequential memo dated 12-01-1996 in proceedings No.Rc.A/186/94 issued by the second respondent-Mandal Revenue Officer, Darsi, Prakasam District.

There was a proposal to construct bus-station at Darsi Village in Prakasam District. In that regard, the Andhra Pradesh State Road Transport Corporation, Hyderabad (for short, the APSRTC) had purchased an extent of Ac.0-82 cents of land in Survey Nos.311/2 and 312/2 from the Government for a consideration of Rs.16,400/-. But, as much as the said piece of land was narrow, triangular strip and not sufficient to construct bus-station, the APSRTC has decided to take adjacent land of the private landowners. The petitioners owned Ac.0-83 cents of land in Survey No.313/K and they agreed to part with their land for the purpose of construction of bus-station, provided the APSRTC would exchange Ac.0-17 cents of land out of Ac.0-82 cents of land purchased from the Government in Survey Nos.311 and 312. The correspondence shows such an understanding was arrived at and in pursuance of the same, the petitioners had also transferred the land of Ac.0-83 cents in Survey No.313/K to the APSRTC. But, in lieu of exchange as per the agreed terms when the proposal was sent to the District Collector, Prakasan District, he rejected the said proposal and passed this impugned order dated 29-10-1995 and consequently, a memo was issued by the Mandal Revenue Officer, Darsi, Prakasam District on 12-01-1996.

In the counter affidavit filed on behalf of the APSRTC, while admitting the transfer of land to the extent of Ac.0-82 cents by the petitioners, which was used for the

construction of bus-station, it is stated, they have no objection to handover Ac.0-17 cents of land to the petitioners only with the permission of respondents 1 and 2.

As much as Ac.0-83 cents of land owned by the petitioners was already transferred to the APSRTC and they had utilized it for the public purpose and earlier correspondence between the APSRTC and the petitioners shows that there was an agreement to transfer Ac.0-17 cents of land to the petitioners and also in view of the fact that the impugned proceedings were passed without issuing any notice to the petitioners, I set aside the proceedings dated 29-10-1995 in Rc.B3/690/94 passed by the first respondent and consequential memo dated 12-01-1996 in Rc.A.186/94 issued by the second respondent, and direct the Collector and District Magistrate, Prakasam District so also the APSRTC to issue notice to the petitioners, and pass appropriate orders.

The writ petition is allowed to the extent indicated above. No order as to costs. Status quo as on today shall be continued with regard to the possession of the land till the appropriate final orders are passed.

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R.SUBHASH REDDY, J

24th February, 2005.

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That Rule Nisi has been made absolute as above.

Witness the Honourable Sri Devinder Gupta, the Chief Justice on this the Thursday, the Twenty fourth day of February, Two thousand and Five.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Prakasam District, Ongole.
2 The Mandal Revenue Officer, Darsi Mandal, Prakasam District.
3 The Managing Director, Andhra Pradesh State Road Transport

Corporation, Hyderabad.
4 The Divisional Manager, A.P.S.R.T.C., Ongole, Prakasam District.

5 Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (O.U.T).

6 Two CD copies.